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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,343

07/14/2003

Wen-Yuan Chang

8403-US-PA

1342

31561

7590

03/17/2005

JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE

7 FLOOR-1, NO. 100

ROOSEVELT ROAD, SECTION 2

TAIPEI, 100

TAIWAN

EXAMINER

LE, THIEN MINH

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 03/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

4A

Office Action Summary	Application No.	Applicant(s)	
	10/604,343	CHANG ET AL.	
	Examiner	Art Unit	
	Thien M. Le	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-17 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-8 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kahn et al. (herein after referred as Kahn – 5,864,130).

Regarding claim 1, Kahn discloses an optical reader (bar code reader) 30 which is mounted on a movable arm assembly 34 (which serves as the claimed carrier) for moving along a track 34 (which serves as the claimed guiding rail); a motor unit and its associating means (not shown) are used for moving the carrier 34 along the guide track 34 and are considered as the claimed driving unit and transmission unit; fasteners and brackets are used for holding the arm carrier in its position.

As can be seen, Kahn discloses the claimed invention.

Regarding claim 2, see figure 1-3 for the guide track 34 and the protruding portion of the carrier assembly.

Regarding claims 5-6, a typical laser scanner as taught by Kahn would inherently includes a set of reflecting mirrors, a lens, and a charge couple device optical sensor; and thus would embrace all limitations set forth in this claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2876

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn et al. (Kahn – 5,864,130; cited above) in view of Lennemann et al. (herein after referred as Lennemann – 4,609,818).

Regarding claim 3, see the discussions regarding claims 1-2. The claim differs in calling for the claimed guiding rail section which is protruding from the wall of the housing.

However, this claimed limitation is not new. Reference to Lennemann is cited as evidence showing the conventionality of the claimed limitation. Specifically, Lennemann discloses an optical scanner wherein the scanner is supported by carriers and thus allowing the scanner to scan in more than one scanning directions. Figure 1 of Lennemann shows a optical scanning apparatus comprising carriers 4 and 12 for supporting optical reader 15; and especially, guide rails 2 and 3 which are protruding from the housing wall.

Without any unexpected result, it would have been obvious to incorporate the use of the guiding rails having the functional characteristics as recited by Lennemann in the system as taught by Kahn. The modification merely offers an alternative engaging method for the carrier and the rails which are well within the skill levels and expectations of an ordinary skilled artisan. Further, the incorporation of Lennemann's teachings of the rails can be used as supplements to the teachings as taught by Kahn to further secure the moving carrier to its place in operations.

Art Unit: 2876

Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kahn et al. (Kahn – 5,864,130; cited above) in view of Nada et al. (herein after referred as Nada – 6,305,608).

Regarding claims 7-8, see the discussions regarding claim 1. The claim differs in calling for a housing which is made of soft and grind-resistant material such as polycarbonate resin, nylon, polyoxymethylene and polybutulene terephthalate.

However, this claimed limitation is not new. Reference to Nada is cited as evidence showing the use of the material groups such as polyacetal, nylon, polycarbonate, polystyrene or ABS for making the scanner's housing [col. 6, lines 55-68].

Thus, it would have been obvious to incorporate the teaching of using such aforementioned material in Kahn scanner's housing. An ordinary skilled artisan would have been motivated to use such materials since they have small coefficient of friction such that the carrier would slide smoothly on its surface.

Allowable Subject Matter

Claims 9-17 are allowed.

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2876

The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to disclose an optical reading system comprising the combination of an optical reader, a carrier, guiding rails, a driving unit, a transmission unit, etc. and further comprising the guiding rail having a U-shaped opening and characteristics as recited in claim 4.

The prior art fails to disclose an optical reading system comprising the combination of an optical reader, a carrier, guiding rails, a driving unit, a transmission unit, etc. and further comprising a guide rail having at least two base fastening sections, a sliding fastener, and having the characteristics as recited in claim 9.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thien M. Le whose telephone number is (571) 272-2396. The examiner can normally be reached on Monday - Friday from 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2876

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Le, Thien Minh', with a stylized, flowing script.

Le, Thien Minh
Primary Examiner
Art Unit 2876
March 9, 2005